

AMENDED IN SENATE AUGUST 5, 2014

AMENDED IN ASSEMBLY MAY 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1646

**Introduced by Assembly Member Frazier
(Coauthor: Assembly Member Gatto)**

February 11, 2014

An act to ~~amend Sections 12804.9, 12810.3, 23123, 23123.5, and 23124 of~~ *amend, repeal, and add Section 12810.3 of, and to add Section 1666.7 to,* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1646, as amended, Frazier. Vehicles: electronic wireless communication devices: prohibitions.

(1) Existing law requires the Department of Motor Vehicles to examine applicants for specific driver's licenses and ~~requires that the examination include, among other things, a test of the applicant's knowledge and understanding of the provision of the Vehicle Code governing the operation of vehicles upon the highways.~~ *the department to administer a written test of those persons seeking driver's licenses or certificates of renewal.*

This bill, *commencing July 1, 2015,* would ~~require the above-described examination~~ *the department to also include a test of the at least one question in each test of an applicant's knowledge and understanding of the provisions of the Vehicle Code to verify that the applicant has read and understands the distractions and dangers of associated with handheld cellular phone use and text messaging while operating a motor vehicle.*

(2) Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive.

Under existing law, it is an infraction for a person to drive a motor vehicle while using a wireless telephone, or an electronic wireless communications device to write send, or read a text-based communication, unless the telephone or electronic wireless communications device is designed and configured to allow voice-operated and hands-free operation, and is used in that manner while driving, except as otherwise provided. A person under 18 years of age is prohibited from driving a motor vehicle while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device. *A violation point is not given for a violation of these provisions.*

~~This bill would assess a violation point for a 2nd or subsequent conviction of a violation of these provisions. This bill would also increase the base fines for a violation of any of the above-described prohibitions involving driving a motor vehicle while using a wireless telephone or an electronic wireless communications device from \$20 to \$50, and the fine for a 2nd or subsequent offense from \$50 to \$100.~~

This bill, commencing July 1, 2015, would assess a violation point for a conviction of these violations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1666.7 is added to the Vehicle Code, to
- 2 read:
- 3 1666.7. (a) The department shall include in each
- 4 noncommercial driver's license examination at least one question
- 5 in each test of an applicant's knowledge and understanding of the
- 6 provisions of this code, as administered pursuant to Section 12803
- 7 or 12814, to verify that the applicant has read and understands
- 8 the distractions and dangers associated with handheld cellular
- 9 phone use and text messaging while operating a motor vehicle.
- 10 (b) This section shall become operative on July 1, 2015.
- 11 SEC. 2. Section 12810.3 of the Vehicle Code is amended to
- 12 read:

1 12810.3. (a) Notwithstanding subdivision (f) of Section 12810,
2 a violation point shall not be given for a conviction of a violation
3 of subdivision (a) of Section 23123, subdivision (a) of Section
4 23123.5, or subdivision (b) of Section 23124.

5 (b) *This section shall become inoperative on July 1, 2015, and,*
6 *as of January 1, 2016, is repealed, unless a later enacted statute,*
7 *that becomes operative on or before January 1, 2016, deletes or*
8 *extends the dates on which it becomes inoperative and is repealed.*

9 SEC. 3. Section 12810.3 is added to the Vehicle Code, to read:

10 12810.3. (a) Pursuant to subdivision (f) of Section 12810, a
11 violation point shall be given for a conviction of a violation of
12 subdivision (a) of Section 23123, subdivision (a) of Section
13 23123.5, or subdivision (b) of Section 23124.

14 (b) *This section shall become operative on July 1, 2015.*

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17 **All matter omitted in this version of the bill**
18 **appears in the bill as amended in the**
19 **Assembly, May 8, 2014. (JR11)**
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